

Complaint Exhibit 17

Prepared Outside the Commonwealth of
Virginia by or under the supervision of
Jeffrey L. Tarkenton, Virginia State Bar # 20631

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

RABO AGRIFINANCE LLC
14767 N. Outer 40 Rd., Suite 400
Chesterfield, MO 63017
Attn: Loan Operations

Tax Map Nos.: 75-A-1, 75-A-118B, 55-A-27, 75C-1-4, 75C-1-5, and 75C-1-6

NOTE: THIS DOCUMENT IS EXEMPT FROM RECORDATION TAXES PURSUANT TO
SECTION 58.1-809 OF THE CODE OF VIRGINIA OF 1950, AS AMENDED.

SUPPLEMENTAL DEED OF TRUST
(Additional Security)

This SUPPLEMENTAL DEED OF TRUST, made this 14th day of March, 2024, by and between **JOSEPH RANDALL ELLER**, an unmarried citizen and resident of Jefferson, Ashe County, North Carolina, and **DD&R LAND HOLDINGS, LLC**, a Virginia limited liability company (collectively, the "**Grantor**"), to and in favor of **JEFFREY L. TARKENTON**, an individual, as trustee ("**Trustee**"), whose address for purposes of this Deed of Trust is 8350 Broad Street, Suite 1500, Tysons, Virginia 22102, for the benefit of **RABO AGRIFINANCE LLC**, a Delaware limited liability company, as agent for itself and the other Secured Parties under the Collateral Agency Agreement (*Secured Parties and Collateral Agency Agreement defined in the Deed of Trust defined below*); and **Rabo AgriFinance LLC**, in that capacity ("**Beneficiary**" and, "**Grantee**" for indexing purposes) recites and provides:

RECITALS:

By Credit Line Deed of Trust, Assignment of Rents and Security Agreement recorded in the Clerk's Office of the Circuit Court of Grayson County, Virginia, as Instrument No. 240000216, and also recorded in the Clerk's Offices of the Circuit Courts of Carroll County, Virginia, in Deed Book 1231, page 924, Patrick County, Virginia, as Instrument No. 240000199, Smyth County, Virginia, in Deed Book 1110, page 537, and in Floyd County, Virginia, as Instrument No. 240000227 (collectively, the "Deed of Trust"), Joseph Randall Eller, an unmarried citizen and resident of Jefferson, Ashe County, North Carolina, Grayson Farm & Leasing, Inc., a Virginia corporation, Mountain Top Holding of Virginia/North Carolina, L.L.C., a Virginia limited liability company, DD&R Land Holdings, LLC, a Virginia limited liability company, NDRD Land Holdings, LLC, a Virginia limited liability company, D&R Land Holdings, LLC, a Virginia limited liability company, Timber & Logging, LLC, a North Carolina limited liability company, Wescor Farm Operations, LLC, f/k/a Wescor Farming, LLC, a Virginia limited liability company, and Elk Creek Land Holdings, LLC, a Virginia limited

liability company, as Grantors, conveyed to Trustee, real estate more particularly described in the Deed of Trust to secure Beneficiary the payment of the principal amount of \$4,500,000.00.

Beneficiary has requested and Grantor has agreed to grant and convey unto Trustee, as ADDITIONAL SECURITY under the Deed of Trust (and in addition to the real estate conveyed by the Deed of Trust, as may be amended and supplemented from time to time), the real estate more particularly described below. The parties now desire to amend and supplement the Deed of Trust as follows:

AGREEMENT

NOW, THEREFORE, in consideration of the sum of \$1.00, and other consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor hereby grants and conveys unto the Trustee, with General Warranty and English Covenants of Title, the following described real estate, together with all improvements thereon and appurtenances thereunto belonging, situated in Grayson County, Virginia, and more particularly described as follows, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO
AND MADE A PART HEREOF.

IN TRUST AND AS ADDITIONAL SECURITY to secure to Beneficiary the payment of the indebtedness described in the Deed of Trust. This instrument is exempt from tax pursuant to the provisions of Section 58.1-809 of the Code of Virginia.

All the other provisions of the Deed of Trust not changed by this Supplemental Deed of Trust are hereby ratified and confirmed and shall remain in full force and effect.

(Signature Pages to Follow)

Grantor is signing this Supplemental Deed of Trust effective as of the day and year first written above.

GRANTORS:

Address for Notices:
192 Summer Street
Jefferson, NC 28640

 [SEAL]
JOSEPH RANDALL ELLER, an individual

COMMONWEALTH OF VIRGINIA)
) SS
COUNTY OF Grayson)

I, the undersigned Notary Public of the County and State aforesaid, certify that JOSEPH RANDALL ELLER personally appeared before me this day and signed the foregoing instrument.

Witness my hand and Notarial stamp or seal, this 14th day of March, 2024.

Sandra Chandler Blevins
(official signature of Notary)

Sandra Chandler Blewins, Notary Public
(Notary's printed or typed name)

My commission expires: 4/30/25



DD&R LAND HOLDINGS, LLC, a Virginia
limited liability company [SEAL]

Address for Notices:
604 W. Main Street
Independence, VA 24348-4426

By: Joseph Randall Eller
Joseph Randall Eller, Member/Manager

COMMONWEALTH OF VIRGINIA)
) SS
COUNTY OF Grayson)

I, the undersigned Notary Public of the County and State aforesaid, certify that JOSEPH RANDALL ELLER personally appeared before me this day and acknowledged that he is the Member/Manager of DD&R LAND HOLDINGS, LLC, a Virginia limited liability company, and that by authority duly given and as an act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed.

Witness my hand and Notarial stamp or seal, this 14th day of March, 2024.



(Official Seal)

Sandra Chandler Blevins
(official signature of Notary)
Sandra Chandler Blevins, Notary Public
(Notary's printed or typed name)

My commission expires: 4/30/25

EXHIBIT "A"
Legal Description

Situated in Grayson County, Virginia:

PARCEL 1:

Tax Map No. 74-A-118B

BEGINNING at a Va. Dept. of Highways Monument at the intersection of the centerline of a 50' private road on the North side of U.S. Hwy. #58, a corner to the remaining lands of the Grantors; thence leaving the Hwy. right-of-way and with the centerline of said private road and Grantors, northwestward approximately 465.84' to a point in the Grantee's line, formerly J. B. Patton; thence with Grantee's line N. 53-28-45 E. to the Phebea Walker corner; thence leaving the Eller line and with the Walker line southeast to the North right-of-way line of U. S. Hwy. #58; thence with the North line of said right-of-way of U.S. Hwy. #58, S. 64-54-12 W. to the point of the BEGINNING, being a part of the same land conveyed by deed recorded in the Clerk's Office of the Circuit Court of Grayson County, Virginia, in Deed Book 186 at Page 269, to which reference is here made for chain of title. Said parcel containing 6 acres, more or less.

SUBJECT TO and TOGETHER WITH a right-of-way for ingress and egress over the fifty (50') foot road that comprises the Southwest line of this property that extends from U.S. Highway No. 58 northwestward more particularly described in Agreement dated March 24, 1982, recorded in the aforesaid Clerk's Office in Deed Book 189, page 255, and as set forth in Deed Book 220, page 101 and in the chain of title to the land.

PARCEL 2:

Tax Map No. 75-A-1

TRACT NO.1: BEGINNING at a stake on a ridge in the old W. M. Bourne line and running with and binding on said line, N 34 ½ W 58 ½ poles to a stake, N 35 E 59 poles to a black oak on a ridge, N 51 ¾ W 28 ½ poles to a white oak, N 1 ½ E 28 ½ poles to a chestnut, N 41 ¾ E 8 poles to a chestnut in the old Carr line and with and binding thereon, N 73 ¾ E 86 poles to a rock in the old Elizabeth Hackler line and with same, S 4 ¼ E 113 poles to a stake and laurel in a branch in the old Merideth Vaughan Patten line and with and binding on same, S 49 ¾ W 26 poles to a white oak on the side of a hill, S 40 ½ W 44 poles to three white oaks, S 33 ¾ W 34 poles to a white oak and black oak by a branch, thence with line of a deed made by J. W. Vaughan to J. L. Porter to the BEGINNING, containing 78 acres, more or less; and

TRACT NO. 2: BEGINNING at two chestnuts in H. H. Todd's line, N 75 ½ E 86 poles to a stake, thence, N 4 W 18 ½ poles to Spanish Oak, thence S 68 W 4 poles to branch, thence N 27 ½ W 15 poles to stake, thence S 56 W 14 poles to pine, thence N 56 ½ W 35 ½ poles to two chestnuts, thence N 75 W 18 poles to stake, thence S 38 ½ W 20 ½ poles to branch in H. H. Todd's line, S 33 E 16 poles to gum, thence S 30 E 17 ½ poles to dogwood, thence S 9 poles to a chest, thence S 39 W 27 ½ poles to the BEGINNING, containing 22 acres, 1 rod and 16 poles, more or less;

Tracts Nos. 1 and 2 containing 100 acres, more or less.

SUBJECT TO and TOGETHER WITH a right-of-way for ingress and egress over the fifty (50') foot road for access to and from the above property and the public road more particularly described in Agreement dated March 24, 1982, recorded in the Clerk's Office of the Circuit Court of Grayson County, Virginia, in Deed Book 189, page 255.

PARCEL 3:

Tax Map No. 55-A-27 (12.340 acres, more or less)

Tax Map No. 75C-1-4 (2.045 acres, more or less)

Tax Map No. 75C-1-5 (2.137 acres, more or less)

Tax Map No. 75C-1-6 (2.029 acres, more or less)

BEGINNING at an iron pin set in the center of a 40 foot access road, a point that is a corner common to Lots #3 and #4 of Piney Wood "West" Subdivision appearing of record as Map M-789 in the Grayson County Clerk's Office; thence leaving the road S 15-39-04 E 26.54 feet to an existing iron pin on the West side of the access road as shown on the subdivision plat, a corner to the land formerly belonging to Phebea Walker; thence with the Walker line, S 81-54-09 W 369.53 feet to a ¾ inch rod set at a fence corner in the Grantee's line; thence with the Grantee's line N 0-19-41 W 1056.45 feet to a ⅜ inch rod in the corner of Frances A. Graves and Lois P. Baker; thence with the Graves--Baker line, N 79-43-50 E 270.60 feet to a ⅝ inch rod found at a corner fence post; thence S 09-39-44 E 274.22 feet to a ⅝ inch rod found at 6 inch locust; thence N 70-03-23 E 434.11 feet to as ⅝ inch rod found at a rock pile; thence S 60-49-40 E 212.26 feet to a ⅝ inch rod found on the West bank of the 30 foot right-of-way to Va. Sec. Rt. #693; thence with the West right-of-way line of Va. Sec. Rt. #693, South, following the line of said road to the corner of Lot #7 of Piney Wood "West" Subdivision; thence with the East line of Lot #7 and following along the West boundary line of said public road, S 06-43-40 E 108.74 feet to a point in the corner of Lot #6 of said subdivision; thence continuing with the line of Lot #6 a curve to the right, delta 14-48-09, radius 215.95 feet, a chord of S 00-40-24 W 55.636 feet to a point, S 08-04-29 W 50 feet to an iron pin set in the line of Lot #5; thence with the line of Lot #5, S 08-04-29 W 43.70 feet to a point in the curve of the road; thence with the line of the curve to the left, a delta of 18-54-48, a radius of 255.15, a chord of S 01-22-55 E 83.84 feet to an iron pin set in the line of Lot #4; thence with the line of Lot #4, S 10-50-19 E 107.78 feet to an iron

pin set on line at the corner of Lot #3; thence with the line of Lot #3 of Piney Wood "West" Subdivision, N 78-56-48 W 332.63 feet to an iron pin, S 82-00 W 150 feet to a stake; S 30-28-08 W 36.73 feet to the point of the BEGINNING.

The foregoing description contains all of Lots #4, #5, #6, and #7 of Piney Wood "West" Subdivision; however, there is excepted from the foregoing description all of Lot #7 containing 2.361 acres heretofore conveyed by the Grantors to Ray Shrum by deed dated September 5, 1989, recorded in Deed Book 246 at Page 758 of the Grayson County Clerk's Office, and the remainder of the land contained in the foregoing description is as described on a plat of survey of L. J. Quesenberry, Certified Land Surveyor, dated October 29, 1981; all of the foregoing described land included in both surveys being the remainder of the land conveyed to the Grantors by Franklin Real Estate Company by deed dated October 20, 1981, as appears of record in Deed Book 187 at Page 660 of the Grayson County Clerk's Office (erroneously referred to on the survey plat of Piney Wood "West" Subdivision as Deed Book 185 at Page 660) and a portion of the land contained within the description of Lot #4 of Piney Wood "West" Subdivision being a part of the same land conveyed to the Grantors by deeds recorded in Book 190 at Page 660 and 190 at page 665 of the Grayson County Clerk's Office, the area of which is more particularly shown on the subdivision plat of Piney Wood "West" Subdivision recorded as Map M-789 in the Grayson County Clerk's Office, to which plats and deeds reference is here made for a more complete and definite description of the land conveyed as well as for chain of title.

The foregoing described land is conveyed together with and subject to the right of access of others over that certain 40 foot access road shown on the subdivision plat of Piney Wood "West" Subdivision recorded as Map M-789 in the Grayson County Clerk's Office.

All of the foregoing described land contained within the subdivision of Piney Wood "West" Subdivision is conveyed subject to the restrictions and covenants shown on the face of the aforementioned subdivision plat.

BEING more complete descriptions of the same property conveyed to DD&R Land Holdings, LLC, a Virginia limited liability company, from J. Randall Eller, Member/Manager of DD&R Land Holdings, LLC, a North Carolina limited liability company, by virtue of a Deed dated February 10, 2009, recorded in the aforesaid Clerk's Office in Deed Book 509, page 415,

INSTRUMENT 240000487
RECORDED IN THE CLERK'S OFFICE OF
GRAYSON CIRCUIT COURT ON
MARCH 19, 2024 AT 12:30 PM
RENEE H. NESTER, CLERK
RECORDED BY: MLW

**Prepared Outside the Commonwealth of
Virginia by or under the supervision of
Jeffrey L. Tarkenton, Virginia State Bar # 20631**

**RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:**

RABO AGRIFINANCE LLC
14767 N. Outer 40 Rd., Suite 400
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Attn: Loan Operations

Tax Map Nos.: 75-A-1, 75-A-118B, 55-A-27, 75C-1-4, 75C-1-5, and 75C-1-6

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(Additional Security)

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SEE EXHIBIT "A" ATTACHED HERETO
AND MADE A PART HEREOF.

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(Signature Pages to Follow)

DD&R LAND HOLDINGS, LLC, a Virginia
limited liability company [SEAL]

Address for Notices:
604 W. Main Street
Independence, VA 24348-4426

By: Joseph Randall Eller
Joseph Randall Eller, Member/Manager

COMMONWEALTH OF VIRGINIA)
COUNTY OF Grayson) SS
)

I, the undersigned Notary Public of the County and State aforesaid, certify that JOSEPH RANDALL ELLER personally appeared before me this day and acknowledged that he is the Member/Manager of DD&R LAND HOLDINGS, LLC, a Virginia limited liability company, and that by authority duly given and as an act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed.

Witness my hand and Notarial stamp or seal, this 14th day of March, 2024.



Sandra Chandler Blevins
(official signature of Notary)

Sandra Chandler Blevins, Notary Public
(Notary's printed or typed name)

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All of the foregoing described land contained within the subdivision of Piney Wood "West" Subdivision is conveyed subject to the restrictions and covenants shown on the face of the aforementioned subdivision plat.

BEING more complete descriptions of the same property conveyed to DD&R Land Holdings, LLC, a Virginia limited liability company, from J. Randall Eller, Member/Manager of DD&R Land Holdings, LLC, a North Carolina limited liability company, by virtue of a Deed dated February 10, 2009, recorded in the aforesaid Clerk's Office in Deed Book 509, page 415.

